

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

CITY OF HOLLYWOOD  
FIREFIGHTERS' PENSION FUND,  
individually and on behalf of those  
similarly situated,

Plaintiff,  
vs.

INSPIRE MEDICAL SYSTEMS, INC.;  
TIMOTHY P. HERBERT; and  
RICHARD J. BUCHHOLZ,

Defendants.

File No. 0:23-cv-03884-NEB-DJF

**DEFENDANTS' MOTION TO  
DISMISS PLAINTIFF'S  
AMENDED COMPLAINT**

Defendants Inspire Medical Systems, Inc., Timothy P. Herbert, and Richard J. Buchholz hereby move the Court for an order under Federal Rule of Civil Procedure 12(b)(6) dismissing with prejudice Plaintiff's Amended Complaint, Dkt. 28, for failure to state a claim upon which relief can be granted.

The grounds for this motion are set forth in the Memorandum in Support of Defendants' Motion to Dismiss Plaintiff's Amended Complaint and the accompanying Declaration of Jeffrey P. Justman, filed and served herewith, along with Inspire's SEC filings, earnings call transcripts, analyst reports, other matters of which the Court may take judicial notice, and all other records and files in this action.

Dated: June 28, 2024

**FAEGRE DRINKER BIDDLE &  
REATH LLP**

/s/ Jeffrey P. Justman

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